

EXHIBIT 7

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JOSHUA CHATWIN,

Plaintiff,

V.

Civil No. 2:14-cv-00375

DRAPER CITY; DRAPER CITY
POLICE DEPARTMENT; POLICE
CHIEF MAC CONNOLE; OFFICER
J. PATTERSON, in his
individual and official
capacity; OFFICER DAVID
HARRIS, in his individual
and official capacity;
OFFICER HEATHER BAUGH, in
her individual and official
capacity; and JOHN DOES 1-10,

Defendants.

DEPOSITION OF: JASON SCOTT
DATE: November 20, 2015

Reported by: Donna M. Ward, CSR, RPR

Intermountain Court Reporters
Murray, UT 84107
(801) 263-1396



1 long before that conversation took place roughly?

2 A. It was after he'd already left, Mr. Chatwin,
3 and I was just taking pictures of the scene.

4 Q. When you say -- you also said something about
5 when you say he left or he wasn't there, what do you mean
6 by that?

7 A. I believe that probably an ambulance or
8 somebody took him or maybe the police officers took him.
9 I don't know who took him away but he was gone.

10 Q. Did you know where he was at all?

11 A. No, I didn't ask either.

12 Q. You didn't see him?

13 A. Huh-uh, I didn't see them take him away. At
14 the time, I wasn't really, you know, paying attention. I
15 mean, I was paying attention but I didn't realize it was
16 as important of a moment as it was I guess to try to
17 remember everything. I mostly was just concerned about
18 the person on the ground. I just didn't know what was
19 going on and I was also concerned by the behavior, just
20 thinking, you know, psychology wise, why these people
21 aren't reacting or why are they reacting the opposite way
22 I would react. It seemed like they were jolly and giggly
23 and kind of like different than I would be if I had just
24 seen a person either -- if that person fell down on their
25 own, I guess they might think that's funny but I guess I

1 don't. If they somehow took him to the ground and he got
2 hurt, that's also not the way I'd react. Either way, I'd
3 be down there checking on the guy.

4 Q. So go ahead and tell us more about what you
5 mean by -- what did you say giggly?

6 A. They had all smiles and they were all like
7 pretty pleased with themselves with whatever happened.

8 Q. How do you know that?

9 A. Smiles and joking back and forth and giggly
10 like they were, you know, and then when I came over
11 there, they went more quiet and then they, you know.

12 Q. So when -- where were you when you observed
13 them being jolly and giggly?

14 A. When I came back. When Mr. Chatwin was
15 already gone and they were just there at the aftermath
16 when everything had kind of finished and they were just
17 going through his car and talking to each other.

18 Q. What -- when you say they, who was they?

19 A. The police officers.

20 Q. How many were there?

21 A. At that point, I think there was four.

22 Q. What was their gender?

23 A. I think there was only one female and the
24 rest were male.

25 Q. Do you -- did you hear -- when you say joking

1 A. Yeah, it's kind of strange.

2 Q. From the case number, the handwriting from
3 the case number down to the bottom where the signature
4 is --

5 A. Uh-huh.

6 Q. -- do you know whose handwriting that is?

7 A. Yeah, all of that's mine.

8 Q. Okay.

9 A. It's interesting, this form show officers and
10 they're closer to me than to the car, so they're back to
11 the car and this one says face in the gutter. I didn't
12 know if his head was quite in the gutter or if it was in
13 the sidewalk five years later.

14 Q. Okay. I'm going to read -- I'm going to read
15 the language on this starting with Steve and I.

16 A. Okay.

17 Q. You tell me at the end if I've read it
18 correctly.

19 A. Uh-huh.

20 Q. "As Steve and I were leaving his house, I
21 witnessed the suspect, who appeared to be unconscious,
22 with his hands handcuffed behind his back, his face was
23 facing south. The police officers were laughing in a
24 group. One was opening the white Honda Civic in the
25 driveway. No officers were attending to the suspect or

1 moving him." Did I read that correctly?

2 A. Correct.

3 Q. And then to the right of that, it says
4 underneath a stick figure, it says: "Head downhill, face
5 in gutter." Did I read that correctly?

6 A. Correct.

7 Q. Is this the witness statement to which you
8 were referring a little while ago when you talked about
9 someone calling you to have you make a statement?

10 A. Uh-huh.

11 Q. Is that a yes?

12 A. Yes. I wondered if this is done at the scene
13 seeing that it's from Draper City Police Department.

14 Q. Well, that's my question. I'd like to
15 determine if this is the statement or not. It says up at
16 the top Draper City Police Department Witness Statement
17 and then it says Case No. 2010-003060.

18 A. Yeah, sounds more likely that they asked for
19 my statement.

20 Q. But you don't know?

21 A. I don't remember that.

22 Q. Do you remember filling this out, this
23 statement out?

24 A. I do remember drawing his body. I don't
25 remember the rest but I do remember filling out some kind

1 interested in the situation than everyone else did and
2 everyone else seemed to be more blocking that person from
3 me.

4 Q. So your recollection today is that, when you
5 drove by, that there was an officer, a female officer,
6 pacing back and forth and the other officers were
7 attempting to calm her down?

8 A. Correct.

9 Q. And that, when you went in the home, because
10 of that you made a decision that you'd better go out and
11 take some pictures because you think -- thought that that
12 person seemed to be acting guilty?

13 A. Correct.

14 Q. And that this must have been an incident of
15 police brutality?

16 A. Brutality is probably the wrong word, but --
17 but there's definitely an incident and I felt like, you
18 know, I may be a part of something that I need to witness
19 and, you know, make sure I was there.

20 Q. You would -- you would agree with me that
21 that recollection is different than what you wrote on the
22 day in question with respect to this police or witness
23 statement where you wrote that the police officers were
24 laughing in a group and they were opening the white Honda
25 car in the driveway; correct?

1 A. Uh-huh.

2 Q. You don't in -- in this statement, you don't
3 put anything about a person pacing back and forth;
4 correct?

5 A. No, but at -- at that point, I believe the
6 laughing and stuff was after, so this isn't -- remember
7 there's two -- two things that happened, one, I'm driving
8 by, I see the person in the gutter; two, I come back to
9 the scene and talk to the officers.

10 Q. Okay, so are you saying that in this
11 statement you combined the two incidents?

12 A. Yeah, pretty much.

13 Q. Okay, so when you say Steve and I were
14 leaving his house --

15 A. I have a hard time with that, because I don't
16 believe I was leaving at this point, but, again, you
17 know, you can remember things differently five years
18 later.

19 Q. Okay. "I witnessed the suspect who appeared
20 to be unconscious with his hands handcuffed behind his
21 back."

22 A. Uh-huh.

23 Q. "His face was facing south. The police
24 officers were laughing in a group. One was opening the
25 white Honda Civic in the driveway. No officers were

1 attending to the suspect or moving him."

2 A. Uh-huh.

3 Q. According to this statement, it seems like
4 the suspect was present at the time that you saw the
5 officers open the white Honda door and --

6 A. And they probably were. They were going
7 through the Honda at the point where I was driving by.

8 Q. Okay, so they --

9 A. And they also were going through it when I
10 came back.

11 Q. Okay, so they were going through the Honda --

12 A. This Honda was so important.


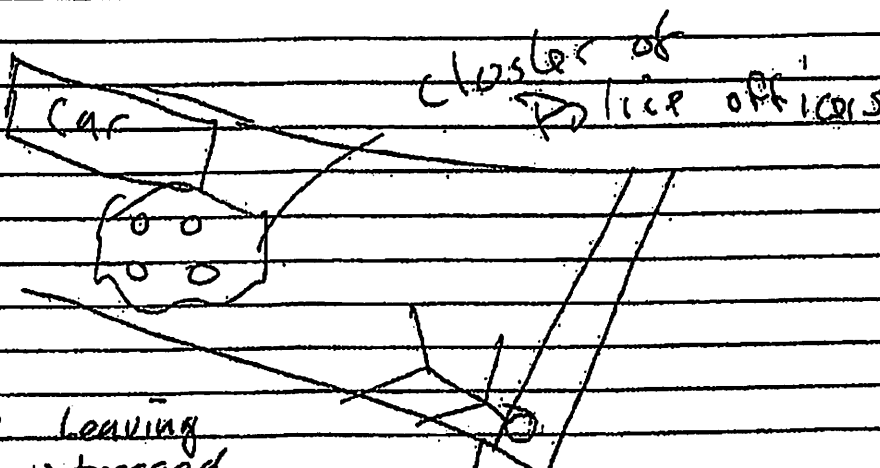
13 Q. So you would agree with me, sir, that with
14 respect to this witness statement, no where in this
15 witness statement do you put that an officer was pacing
16 back and forth?

17 A. I did not, but it doesn't -- there's often
18 things that you see you don't write down.

19 Q. And you would agree with me that you didn't
20 put that other officers were trying to calm down that
21 officer?

22 A. No, I didn't put that down, but I remember
23 it.

24 Q. And you didn't -- don't put anywhere in this
25 witness statement that you were driving to the house?

 Draper City Police Department WITNESS STATEMENT		Case Number 2010 - 003060
Name Jason Scott		Date of Birth 05/23/75
Home Phone (801) 802-5995		Work Phone
Street Address 4076 Lake Vista Drive		Mobile Phone
City Saratoga Springs	State Ut	Zip Code 84045
Driver's License/ID Number 162109 641		E-mail Address
Details of Events:		
		
<p>Glenn & I were leaving his house. I witnessed the suspect who appeared to be unconscious with his hands handcuffed behind his back. His face was facing south. The Police officers were laughing in a group. One was opening the white Honda Civic in the Driveway. No officers were attending to the suspect or moving him.</p>		
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> Plaintiff's EXHIBIT NO. <u>2</u> 11-20-15 Scott </div>		
<p>Pursuant to Rule 1102, Utah Rules of Evidence and Section 76-8-504.5, Utah Code Annotated: You are hereby notified that the statements made herein may be presented to a magistrate or judge in lieu of your sworn testimony at a preliminary examination. <u>Any false statement you make and that you do not believe to be true may be subject to criminal punishment as a Class A Misdemeanor.</u></p>		
I have read and understand the statement above:		Date: